HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No. 14248 OF 1996

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Between:

T. Govindamma

……Petitioner

And

The Mandal Revenue Officer,
Tirupathi Mandal (Urban),
Tirupathi

……Respondent

:: ORDER ::

Counsel for the petitioner : Sri V. Jagapathi

Counsel for the Respondent : Government Pleader for Revenue

Dated: 07-06-2006

The petitioner who belongs to the creed of land grabbers

(though she appears to have grabbed a small portion of land which was allotted by the State Government to S.V. Government Polytechnic, Tirupathi vide G.O.Rt.No.306 dated 3-3-1969) has invoked the jurisdiction of this Court under Article 226 of the Constitution of India for protecting her possession. She has prayed for restraining the respondent from dispossessing her from dwelling house bearing No.6-10-46/A comprised in Survey No. 68 situated in Singalagunta, Tirupathi.

In the affidavit filed by her, the petitioner has averred that she had constructed the house in question in 1979 by availing loan from financial institutions and is living in the said house along with her family. She has further averred that applications have been made by her to the revenue authorities for assignment of two cents of land on which the house has been built, but no decision has been taken by the concerned authorities, and, at the same time, efforts are being made by the respondent to forcibly evict her.

In the counter affidavit filed by Sri P.R. Prabhakar Reddy, the then Mandal Revenue Officer, Tirupathi Urban Mandal (Chittoor), it has been averred that the petitioner has not constructed a house but has put up a thatched hut in Survey No. 34 which forms part of land allotted to S.V. Government Polytechnic, Tirupathi. According to Sri P.R. Prabhakar Reddy, the petitioner has unauthorisedly occupied the public land and constructed a hut.

On 19-04-2006, Sri V. Jagapathi, learned counsel for the petitioner complained that copy of the counter affidavit had not been supplied to him. Upon this, the learned Government Pleader for Assignment made available a copy of the counter affidavit to Sri Jagapathi. Thereafter, at the request of Sri Jagapathi, the case was adjourned to 26-04-2006.

As on today, a period of more than six weeks had elapsed

but the petitioner has neither filed rejoinder affidavit nor any document has been produced by her to establish her right over the land in question.

Sri V. Jagapathi, learned counsel for the petitioner made strenuous efforts to persuade me to hold that on the strength of her uninterrupted possession over the land in question, the petitioner has acquired a right to resist the attempts being made by the respondent to evict her, but I have not felt impressed. In my considered view, a person who does not have even a semblance of right over the public land cannot seek assistance of the High Court and implore it to exercise jurisdiction under Article 226 of the Constitution of India for conferring legitimacy on unauthorised occupation/possession of the public land. The Court can take judicial notice of the fact that the public authorities can keep a track on unauthorised occupation of all Government/public lands. Therefore, as and when any public authority comes across an act of land grabbing or unauthorised occupation of public property, such authority is entitled to initiate action for securing possession of the land.

Since the petitioner has failed to produce any evidence to show that she has any right or title over the land in question, I do not find any valid ground or justification to entertain her prayer to restrain the respondent from evicting her.

With the above observations, the writ petition is dismissed. Interim order passed earlier shall stand automatically vacated.

G.S. SINGHVI, CJ

07-06-2006
ks/ksld